

BIRMINGHAM REPORTING SERVICE

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IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

TROY E. TILLERSON,)	
)	
PLAINTIFF,)	
)	
)	CIVIL
vs.)	ACTION
)	NO.
)	3:05CV985-B
THE MEGA LIFE AND HEALTH)	
INSURANCE CORPORATION, et)	
al.,)	
)	
DEFENDANTS.)	

DEPOSITION OF LINTON CHECKA

ORIGINAL

The deposition of LINTON CHECKA was taken before Anna Tolleson, CSR, as Commissioner, on July 17, 2007, by the plaintiff, commencing at 1:00 p.m., in the office of Well, Gotshal & Manges, 200 Crescent Court, Suite 300, Dallas, Texas 75201 pursuant to the stipulations set forth herein.

Exhibit F

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1 question do you not understand and I'll do
2 any best to rephrase it or clarify it.
3 Here's my question: Did you serve in any
4 capacity in underwriting the insurance that
5 is made the basis of this case?

6 **A** The type of insurance that was this
7 application? Is that what you're asking?

8 **Q** Yes, ma'am.

9 **A** I'm sure that I reviewed some of
10 them. I mean, I didn't underwrite this
11 case. If that's what we were selling at
12 that time, then I was underwriting it.

13 **Q** Is this individual insurance?

14 MR. LAMPKIN: Object to the
15 form.

16 **A** It is individually underwritten.
17 It's not group.

18 **Q** What do you mean by that?

19 **A** I mean we underwrite each
20 individual based on what the information
21 they have on their application, and then
22 what our underwriting guides advise us is
23 the best practice.

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1 our central records department and that's
2 the order forms.

3 Q What does "best prints" mean?

4 A That was the best print that they
5 could get from, I guess whatever it came
6 from.

7 Q As I understand it, the hard copies
8 in the last several years have been scanned
9 and saved electronically?

10 A That's correct.

11 Q Okay. Is there anything on
12 Mr. Tillerson's application that would, in
13 your experience as an underwriter for the
14 last 20 some-odd years, cause you to think
15 he should be rated up?

16 A No. There was nothing that I saw.
17 He was a standard issue.

18 Q Okay. The transaction sheet where
19 it says "approved," does that mean standard
20 when it says "STD?"

21 A Yes.

22 Q I'm looking at some -- these
23 correspond with some Bates numbered

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1 **Q** Have you described to me, ma'am,
2 all the underwriting that would have taken
3 place for Mr. Tillerson's certificate of
4 insurance?

5 **A** Yes.

6 **Q** At any time?

7 **A** We would only underwrite him when
8 he initially submitted his application or
9 if he asked for increased benefits.

10 **Q** Okay. But if he, I guess,
11 decreased his benefits or in other words
12 increased copays or premiums, there's no
13 underwriting, according to you, in that --

14 **A** Customer care would not have sent
15 it to us.

16 **Q** Ma'am?

17 **A** We only review the information if
18 he is increasing his benefits. Customer
19 care would not have sent us anything such
20 as that.

21 **Q** And as far as documents that are
22 generated in the underwriting process that
23 would have taken place back in 1996, we

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1 EXAMINATION BY MR. LAMPKIN

2 Q Mrs. Checka, before you came here
3 today for your deposition, you asked
4 somebody to pull the underwriting records
5 related to Mr. Tillerson; is that correct?

6 A Yes.

7 Q And you brought those here with you
8 today?

9 A Yes.

10 Q And you reviewed those before
11 today?

12 A I did.

13 Q Let me ask you this: Did you see
14 that there was anything that came back to
15 underwriting after the policy that was
16 initially issued and underwritten?

17 A I did not.

18 Q If there had been some subsequent
19 underwriting, would there have been
20 documents contained in that material?

21 A If Mr. Tillerson had asked for
22 increased benefits, there would be
23 something out there.

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1 **Q** Okay. Something like the -- what
2 do we call it -- the transaction sheet?

3 **A** I don't know that there would be a
4 transaction sheet but there would be some
5 sort of a paper that the underwriter would
6 have reviewed what he was asking for and
7 whether or not he was approved to have
8 that.

9 **Q** Okay. So based on the information
10 that you've seen, after the initial -- the
11 policy was initially issued, there was
12 never any instance where his coverage was
13 reunderwritten; is that correct?

14 **A** No.

15 **Q** So that is correct?

16 **A** That's a correct statement. No, he
17 was not reunderwritten.

18 **Q** You were asked a question about
19 MIB. In particular, you were asked about a
20 document that's Bates labelled TI000063 and
21 I believe you said that was a report from
22 MIB? Does that report show anything?

23 **A** No. It says not found. There was